

1 David W. Christel, U.S. Magistrate Judge  
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7 UNITED STATES DISTRICT COURT  
8 FOR THE WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 ALYSHA E. CHANDRA,

11 vs.

12 PIERCE COUNTY PROSECUTOR'S  
13 OFFICE and MARY ROBNETT,  
14 individually,

Plaintiff,

Defendants.

NO. 3:20-cv-05787-DWC

DEFENDANTS' ANSWER TO PLAINTIFF'S  
COMPLAINT

JURY DEMAND

15 I. ANSWER

16 COME NOW Defendants Pierce County Prosecutor's Office and Mary Robnett, by and  
17 through their attorney of record, Jana R. Hartman, Deputy Prosecuting Attorney, and make the  
18 following Answer to Plaintiff's Complaint. These answering Defendants deny each and every  
19 allegation of Plaintiff's Complaint not specifically admitted to herein.

20 1.1 In answer to paragraph 1 of Plaintiff's Complaint, this paragraph does not state  
21 factual allegations to which an answer is required. To the extent an answer is required,  
22 Defendants admit.

1           1.2       In answer to paragraph 2 of Plaintiff's Complaint, this paragraph is an  
2 incomplete sentence and does not appear to state factual allegations to which an answer is  
3 required. To the extent an answer is required, Defendants deny.

4           1.3       In answer to the allegations contained in paragraph 3 of Plaintiff's Complaint,  
5 the Defendants admit Ms. Chandra was an employee of Defendants. Defendants are without  
6 knowledge or information sufficient to admit or deny the remaining allegations contained in  
7 paragraph 3, and therefore deny the same.

8           1.4       In answer to the allegations contained in paragraph 4 of Plaintiff's Complaint,  
9 Defendants deny.

10          1.5       In answer to the allegations contained in paragraph 5 of Plaintiff's Complaint,  
11 Defendants admit.

12          1.6       In answer to the allegations contained in paragraph 6 of Plaintiff's Complaint,  
13 Defendants admit.

14          1.7       In answer to the allegations contained in paragraph 7 of Plaintiff's Complaint,  
15 Defendants deny.

16          1.8       In answer to the allegations contained in paragraph 8 of Plaintiff's Complaint,  
17 Defendants are without knowledge or information sufficient to admit or deny the allegations in  
18 paragraph 8, and therefore deny the same.

19          1.9       In answer to the allegations contained in paragraph 9 of Plaintiff's Complaint,  
20 this paragraph states a legal conclusion to which no answer is required. To the extent an answer  
21 is required, Defendants admit.

22          1.10       In answer to the allegations contained in paragraph 10 of Plaintiff's Complaint,  
23 this paragraph states a legal conclusion to which no answer is required. To the extent an answer  
24 is required, Defendants deny.

1           1.11       In answer to the allegations contained in paragraph 11 of Plaintiff's Complaint,  
2 this paragraph states a legal conclusion to which no answer is required. To the extent an answer  
3 is required, Defendants admit.

4           1.12       In answer to the allegations contained in paragraph 12 of Plaintiff's Complaint,  
5 Defendants admit.

6           1.13       In answer to the allegations contained in paragraph 13 of Plaintiff's Complaint,  
7 Defendants admit.

8           1.14       In answer to the allegations contained in paragraph 14 of Plaintiff's Complaint,  
9 Defendants admit.

10          1.15       In answer to the allegations contained in paragraph 15 of Plaintiff's Complaint,  
11 Defendants admit.

12          1.16       In answer to the allegations contained in paragraph 16 of Plaintiff's Complaint,  
13 Defendants admit that Ms. Chandra emailed Deputy Prosecuting Attorney (DPA) Diana Chen  
14 about joining the military. Defendant denies the remaining allegations contained in paragraph  
15 16.

16          1.17       In answer to the allegations contained in paragraph 17 of Plaintiff's Complaint,  
17 Defendants admit.

18          1.18       In answer to the allegations contained in paragraph 18 of Plaintiff's Complaint,  
19 Defendants are without knowledge or information sufficient to admit or deny the allegations  
20 contained in paragraph 18, and therefore deny the same.

21          1.19       In answer to the allegations contained in paragraph 19 of Plaintiff's Complaint,  
22 Defendants are without knowledge or information sufficient to admit or deny the allegations  
23 contained in paragraph 19, and therefore deny the same.

1           1.20       In answer to the allegations contained in paragraph 20 of Plaintiff's Complaint,  
2 Defendants deny.

3           1.21       In answer to the allegations contained in paragraph 21 of Plaintiff's Complaint,  
4 Defendants deny the described email exchange occurred on April 23, 2020. Defendants admit  
5 the remaining allegations contained in paragraph 21..

6           1.22       In answer to the allegations contained in paragraph 22 of Plaintiff's Complaint,  
7 Defendants deny.

8           1.23       In answer to the allegations contained in paragraph 23 of Plaintiff's Complaint,  
9 Defendants deny.

10          1.24       In answer to the allegations contained in paragraph 24 of Plaintiff's Complaint,  
11 Defendants admit Ms. Chandra had a phone conversation with Diana Chen where Ms. Chen  
12 mentioned an employee named Patrick Vincent who was a member of the military. Defendants  
13 deny the remaining allegations contained in paragraph 24.

14          1.25       In answer to the allegations contained in paragraph 25 of Plaintiff's Complaint,  
15 this paragraph is vague as to "the above email." Defendants admit that Ms. Chandra asked for a  
16 letter from the defendant. Defendants denies the remaining allegations contained in paragraph  
17 25.

18          1.26       In answer to the allegations contained in paragraph 26 of Plaintiff's Complaint,  
19 Defendants deny.

20          1.27       In answer to the allegations contained in paragraph 27 of Plaintiff's Complaint,  
21 Defendants deny.

22          1.28       In answer to the allegations contained in paragraph 28 of Plaintiff's Complaint,  
23 Defendants admit that Ms. Chen told Ms. Chandra that she was "kind of shocked" and did not  
24 foresee this happening. Defendants deny the remaining allegations contained in paragraph 28.

1           1.29       In answer to the allegations contained in paragraph 29 of Plaintiff's Complaint,  
2 Defendants are without knowledge or information sufficient to admit or deny the allegations in  
3 paragraph 29, and therefore deny the same.

4           1.30       In answer to the allegations contained in paragraph 30 of Plaintiff's Complaint,  
5 Defendants are without knowledge or information sufficient to admit or deny the allegations in  
6 paragraph 30, and therefore deny the same.

7           1.31       In answer to the allegations contained in paragraph 31 of Plaintiff's Complaint,  
8 Defendants admit that in May 2020 Diane Clarkson sent Ms. Chandra an email that stated to  
9 "continue your good work." Defendants deny the remaining allegations contained in paragraph  
10 31.

11          1.32       In answer to the allegations contained in paragraph 32 of Plaintiff's Complaint,  
12 Defendants admit.

13          1.33       In answer to the allegations contained in paragraph 33 of Plaintiff's Complaint,  
14 Defendants deny.

15          1.34       In answer to the allegations contained in paragraph 34 of Plaintiff's Complaint,  
16 Defendants admit.

17          1.35       In answer to the allegations contained in paragraph 35 of Plaintiff's Complaint,  
18 Defendants deny.

19          1.36       In answer to the allegations contained in paragraph 36 of Plaintiff's Complaint,  
20 Defendants deny.

21          1.37       In answer to the allegations contained in paragraph 37 of Plaintiff's Complaint,  
22 Defendants deny.

23          1.38       In answer to the allegations contained in paragraph 38 of Plaintiff's Complaint,  
24 Defendants deny.

1           1.39       In answer to the allegations contained in paragraph 39 of Plaintiff's Complaint,  
2 Defendants deny.

3           1.40       In answer to the allegations contained in paragraph 40 of Plaintiff's Complaint,  
4 Defendants admit.

5           1.41       In answer to the allegations contained in paragraph 41 of Plaintiff's Complaint,  
6 Defendants admit Ms. Chen stated that she encouraged military service. Defendants deny the  
7 remaining allegations contained in paragraph 41.

8           1.42       In answer to the allegations contained in paragraph 42 of Plaintiff's Complaint,  
9 Defendants admit.

10          1.43       In answer to the allegations contained in paragraph 43 of Plaintiff's Complaint,  
11 Defendants admit.

12          1.44       In answer to the allegations contained in paragraph 44 of Plaintiff's Complaint,  
13 Defendants admit.

14          1.45       In answer to the allegations contained in paragraph 45 of Plaintiff's Complaint,  
15 Defendants admit.

16          1.46       In answer to the allegations contained in paragraph 46 of Plaintiff's Complaint,  
17 Defendants deny.

18          1.47       In answer to the allegations contained in paragraph 47 of Plaintiff's Complaint,  
19 Defendants deny.

20          1.48       In answer to the allegations contained in paragraph 48 of Plaintiff's Complaint,  
21 Defendants deny.

22          1.49       In answer to the allegations contained in paragraph 49 of Plaintiff's Complaint,  
23 Defendants deny.

1           1.50       In answer to the allegations contained in paragraph 50 of Plaintiff's Complaint,  
2 Defendants deny.

3           1.51       In answer to the allegations contained in paragraph 51 of Plaintiff's Complaint,  
4 Defendants admit they are prohibited from discriminating against veterans and military service  
5 members. Defendants deny the remaining allegations contained in paragraph 51.

6           1.52       In answer to the allegations contained in paragraph 52 of Plaintiff's Complaint,  
7 Defendants admit.

8           1.53       In answer to the allegations contained in paragraph 53 of Plaintiff's Complaint,  
9 Defendants deny.

10          1.54       In answer to the allegations contained in paragraph 54 of Plaintiff's Complaint,  
11 this paragraph contains a legal conclusion to which no answer is required. To the extent an  
12 answer is required, Defendants deny.

13          1.55       In answer to the allegations contained in paragraph 55 of Plaintiff's Complaint,  
14 Defendants admit.

15          1.56       In answer to the allegations contained in paragraph 56 of Plaintiff's Complaint,  
16 Defendants admit they have access to the provisions of USERRA and the laws of the state of  
17 Washington. Defendants deny the remaining allegations contained in paragraph 56.

18          1.57       In answer to the allegations contained in paragraph V(1) of Plaintiff's  
19 Complaint, this paragraph states a legal conclusion requiring no answer.

20          1.58       In answer to the allegations contained in paragraph V(2) of Plaintiff's  
21 Complaint, Defendants deny as written.

22          1.59       In answer to the allegations contained in paragraph V(3) of Plaintiff's  
23 Complaint, Defendants deny.

1           1.60       In answer to the allegations contained in paragraph V(4) of Plaintiff's  
2 Complaint, Defendants deny.

3           1.61       In answer to the allegations contained in paragraph V(5) of Plaintiff's  
4 Complaint, this paragraph states a legal conclusion requiring no answer.

5           1.62       In answer to the allegations contained in paragraph V(6) of Plaintiff's  
6 Complaint, Defendants deny as written.

7           1.63       In answer to the allegations contained in paragraph V(7) of Plaintiff's  
8 Complaint, Defendants deny.

9           1.64       In answer to the allegations contained in paragraph V(8) of Plaintiff's  
10 Complaint, Defendants deny.

11           1.65       In answer to the allegations contained in paragraph V(9) of Plaintiff's  
12 Complaint, this paragraph contains a legal conclusion requiring no answer.

13           1.66       In answer to the allegations contained in paragraph V(10) of Plaintiff's  
14 Complaint, Defendants deny.

15           1.67       In answer to the allegations contained in paragraph V(11) of Plaintiff's  
16 Complaint, Defendants deny.

17           1.68       Defendants deny that Plaintiff is entitled to any of the relief requested in  
18 Section V, Prayer for Relief.

19           **II. AFFIRMATIVE AND OTHER DEFENSES**

20           **FURTHER, AND BY WAY OF AFFIRMATIVE AND OTHER DEFENSES, AND**  
21           **ALL OTHER MATTERS OF AVOIDANCE, DEFENDANTS PIERCE COUNTY**  
22           **PROSECUTOR'S OFFICE AND MARY ROBNETT ALLEGE AS FOLLOWS:**

23           2.1       If Plaintiff suffered any injury or damages, recovery therefor is barred or  
24 mitigated by Plaintiff's failure to mitigate said damages.

2.2 The Defendants had legitimate and non-discriminatory reasons and causes for their actions.

2.3 The employer's circumstances have changed so that retention of the Plaintiff would be impossible or unreasonable.

2.4 The employer would have taken the same action regardless of the Plaintiff's connection with service.

### **III. PRAYER FOR RELIEF**

**WHEREFORE**, having fully answered Plaintiff's said Complaint, Defendants pray the Court for the following relief:

3.1 That Plaintiff's Complaint be dismissed with prejudice;

3.2 That Defendants be awarded their costs and reasonable attorney fees incurred herein;

3.3 That Defendants be allowed to reserve the right to amend this Answer to assert such cross-claims, counterclaims, and/or third party claims as during the course of discovery herein becomes proper;

3.4 For such other and further relief as may appear just and equitable in the premises.

DATED this 28th day of August, 2020.

MARY E. ROBNETT  
Prosecuting Attorney

s/ JANA R. HARTMAN  
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**CERTIFICATE OF SERVICE**

On August 28, 2020, I hereby certify that I electronically filed the foregoing DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Thomas G. Jarrard:** TJarrard@att.net
- **John M Tymczyszyn:** JohnT@JohnTLaw.com, john.tymczyszyn@gmail.com

s/ CHRISTINA WOODCOCK  
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